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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,360	12/14/2001	Charles Trushell	US010673	8092

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EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,360

Applicant(s)

TRUSHELL, CHARLES

Examiner

Karabi Guharay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 4. 6) ☐ Other:

Drawings

According to 37 CFR 1.84 (u), where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." Must not appear (see 37 CFR 1.84 (u)). Corresponding correction such as "figure instead of Fig 1" in page 7 of the specification is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the arc tube disposed within the lamp envelope, as claimed in claim 10, must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 4,8 & 15 are objected to because of the following informalities:

Claims 4 and 8 recite "an oxide of an alkaline earth metal or zinc selected from the group consisting of magnesium, calcium, strontium, barium, zinc". There is double inclusion of material "zinc", furthermore, zinc is not an alkaline earth metal. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, & 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 & 3 recite the limitation "said undercoat layer". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 & 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by kaduk et al. (US 3875455).

Regarding claim 1, Kaduk discloses an electric lamp (fluorescent lamp 1 of Fig 1) comprising a lamp envelope 2, means for generating ultraviolet radiation (mixture of argon and other gases to produce discharge), a layer of phosphor material (phosphor coating 12) on the inner surface of the lamp envelope for generating visible light when impinged by UV radiation (though specifically not mentioned, this is inherent since this is the principle of operation of fluorescent lamps), a base coat layer (undercoat layer 11) comprising a particulate non-fluorescent oxidic material (fine particle of alumina) with a getter material MgO contiguous on its surface (see lines 12-66 of Col 2).

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The recitation of method of forming the getter material is not germane to the issue of patentability of the lamp itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 2, Kudak discloses that the undercoat layer 11 comprises sintered mixture of particulate aluminum oxide and alkaline earth metal oxide (MgO), which is a getter material.

Regarding claim 3, Kudak discloses that the undercoat layer 11 is sintered prior to the envelope being sealed (see 47-63 of Col 3).

Regarding claims 4, 6 & 8, Kudak discloses that the getter material includes MgO.

Claims 5, & 9 recite the process of forming the sintered mixture, which is not germane to the patentability of the lamp itself. Thus claims 5 and 9 have not been given patentable weight.

Regarding claim 7, Kudak discloses that the phosphor layer comprises halophosphate phosphor (line 58 of Col 3).

Regarding claim 11, Kudak discloses that means for generating ultraviolet radiation comprising of an ionizable material and a rare gas within the envelope (lines 18-21 of col 2) and a pair of discharge electrodes 3 each adjacent a respective sealed end (see Fig 1).

Regarding claim 12, Kudak discloses a low pressure mercury vapor fluorescent lamp (Fig 1) comprising a tubular light transmissive lamp envelope 2, having opposing sealed ends 8, a filling of mercury and a rare gas, a pair of discharge electrodes 3

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arranged at a respective sealed end of the envelope, means for connecting electrodes to the source of electric potential outside of the lamp envelope (outer terminal at both ends 8, see Fig 1, lines 12- 68 of col 2)), a first light transmissive and UV radiation reflecting layer (undercoat layer comprising a sintered mixture of an aluminum oxide material and a getter material MgO (lines 5-9 of col 4), and a second layer of luminous material (phosphor layer 12) disposed on the undercoat layer 11 (see Fig 1).

Claim 13 recites essentially the same limitations of claim 2. Thus claim 13 is rejected as claim 2 (see rejection of claim 2).

Claim 14 recites essentially the same limitation of claim 3. Thus claim 14 is rejected as claim 3. See rejection of claim 3.

Claim 15 recites essentially the same limitation of claim 4. Thus claim 15 is rejected as claim 4. See rejection of claim 4.

Claim 16 recites essentially the same limitation of claim 5. Thus claim 16 is rejected as claim 5. See rejection of claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudak et al. (US 3875455).

Regarding claim 10, Kudak meets all the limitations of claim 10, except for lamp comprising an arc tube enclosing ionizable filling and a rare gas and a pair of electrodes, disposed with the lamp envelope. However, it is well known in the art of discharge lamp, to provide an arc tube, containing electrode and ionizable materials for discharge, sealed within an outer envelope, thus provides double jacket lamp. These are well known conventional design of electric discharge lamp. It is noted that applicant's specific design of arc tube disposed within outer envelope does not solve any of the stated problems or yield any unexpected result that is not within the scope of the teachings applied. Therefore it is considered to be a matter of choice, which a person of ordinary skill in the art would have found obvious to have an arc tube inside the outer envelope.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Woodward et al. (US 5898265); Levine (US 3569762); Verwimp (US 5130602).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.G

Karabi Guharay
Patent Examiner
Art Unit 2879



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